BEFORE THE
GEORGIA PUBLIC SERVICE COMMISSION

Sandersville Railroad Company Hancock County, Georgia **In re: Sandersville Railroad Company's Petition for Approval to Acquire Real Estate by Condemnation**	Docket No.: 45045

SUPPLEMENT TO VERIFIED APPLICATION FOR LEAVE TO INTERVENE OF ROBERT DONALD GARRETT SR. AND SARAH VEAZEY GARRETT

On April 5, 2023, Robert Donald Garrett, Sr., and Sarah Veazey Garrett (together, the "Garretts") timely filed an application to intervene in these proceedings pursuant to O.C.G.A. §§ 46-2-59 and 50-13-14 and Rule 515-2-1-.06 of the Georgia Public Service Commission. The Garretts own the parcel of land that is targeted by Sandersville Railroad Company in its Petition for Approval to Acquire Real Estate by Condemnation that is the subject of the proceeding (the "Petition"). The Garretts have interests of the highest order—the preservation of their family property—and they thus fit the criteria for intervention set forth in Georgia statutes and this Commission's administrative provisions.

On May 18, 2023, Hearing Officer Nancy Gibson filed a Procedural and Scheduling Order and Notice of Hearing ("Scheduling Order"). The Scheduling Order provides that intervening party applications must (1) "identify other intervening Parties or intervening party applicants whose interests are similar to the applicant along with an explanation of why the identified intervening Parties or intervening Party applicant will not adequately represent the applicant's interest," Scheduling Order 1(b), and (2) "state the applicant's present intention to submit direct testimony and by whom and on what subject." Scheduling Order 1(b)(2). To comply with these requirements,

the Garretts add the following supplemental paragraphs to their May 2, 2023 application to intervene in these proceedings:

21. All owners of the properties identified by Sandersville Railroad in its Petition face the threat that the railroad will condemn their property. For this reason, all property owners have an interest in the outcome of this proceeding. The Garretts, of course, face an uniquely immediate threat, as Sandersville Railroad has so far only sought permission to begin condemnation proceedings against their land, even though a spur that only runs through the Garretts' property would be pointless. No other party faces this immediate threat.

22. Even if they did, however, every piece of real property is unique. *See Cobb Cnty. Bd. of Tax Assessors v. Sibley*, 244 Ga. 404, 404, 260 S.E.2d 313 (1979) (finding that the uniqueness of land affects its value). *See also Focus Ent. Int'l, Inc. v. Partridge Greene, Inc.*, 253 Ga. App. 121, 127, 558 S.E.2d 440, 446 (2001) (finding that "[l]and, under Georgia law, is deemed sufficiently unique that it is entitled to equitable remedies" to protect interests in land). Because land is unique, physical and environmental impact to each parcel may vary parcel by parcel, and condemnation of adjacent parcels of land can result in varying diminution of value for different properties and their owners. *See Gilmore v. Sandersville R. Co.*, 149 F. Supp. 725, 727 (M.D. Ga. 1955) (finding that the diminution of value to adjacent parcels varied, where various plaintiff landowners challenged a railroad's attempt to condemn their land in order to build a spur track that would run six miles from an existing track to terminate at a kaolin plant).

23. Because their property is unique, and because Sandersville Railroad has specifically targeted only the Garretts for condemnation at this time, the Garretts have an interest distinct from all other parties. Thus, the Garretts should be permitted to intervene and participate fully in the Proceedings.

24. The Garretts intend to submit direct testimony on the subject of the unique features of the Garrett Parent Tract, how the Garretts use the Garrett Parent Tract, and the potential impact to the Garrett Parent Tract by Sandersville Railroad's condemnation.

DATED this 28th day of June, 2023.

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Counsel for Intervenors Robert Donald Garrett Sr. and Sarah Veazey Garrett

Signed digitally pursuant to O.C.G.A. § 10-12-7

**Pro hac vice* applications pending

BEFORE THE
GEORGIA PUBLIC SERVICE COMMISSION

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VERIFICATION OF SUPPLEMENT TO APPLICATION FOR LEAVE TO INTERVENE

Grant E. McBride personally appeared before the undersigned Notary Public and stated under oath that he is an authorized representative of Robert Donald Garrett, Sr., and Sarah Veazey Garrett in this matter and the facts contained in the foregoing *Supplement to Verified Application for Leave to Intervene* are true and correct to the best of his information, knowledge and belief.

This 28th day of June, 2023.

Grant E. McBride

Counsel for Intervenors
Robert Donald Garrett Sr. and Sarah Veazey Garrett

Sworn to and subscribed
before me this 28th day
of June, 2023.

Shannon DuCray
Notary Public
My Commission Expires: 6/12/2026

SHANNON DUCRAY NOTARY PUBLIC HENRY COUNTY, GEORGIA My Comm. Expires June 12, 2026


SHANNON DUGRAY
NOTARY
My Comm. Expires
June 12, 2026
PUBLIC
HENRY COUNTY, GEORGIA

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of June, 2023, a copy of the foregoing *Supplement to Verified Application for Leave to Intervene* has been served via electronic mail and U.S. First-Class Mail on the following pursuant to GA. COMP. R. & REGS. 515-16-16-.02; 515-2-1-.04(4)(b), (3):

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DATED this 28th day of June, 2023.

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Signed digitally pursuant to O.C.G.A. § 10-12-7